

REMARKS

Applicants have carefully reviewed the Office Action mailed February 24, 2009. In order to expedite prosecution of the present application, Applicants have cancelled originally filed (and rejected) claims 1-26 and replaced the same with new claims 27-55.

In the present application, there remain two independent claims, a first independent apparatus claim 27 and a second independent method claim 35. Each of the dependent claims depends on either one or the other of claims 27 or 35. Remarks made below with respect to claim 7 will apply to claim 35 due to the similarity of the claims albeit in different forms.

Unlike previous independent apparatus claim 1, new independent apparatus claim 27 recites the following:

- a) A medical laser system for treating human ophthalmic tissue;
- b) First, second and third sources of, respectively, green, yellow and red laser light sources;
- c) First, second and third light paths associated with each of the first, second and third light sources;
- d) A controller to control the activation of the first, the second, and third laser light sources;
- e) An optical configuration to selectively align any of the first, second and third light paths along a common axis; and
- f) The light paths combined along the common axis are forwarded to a output port and the output of the light is directed to targeted ophthalmic tissue.

The invention recited in the claims is not directed to any general, unspecified application, but rather to the treating of human ophthalmic tissue. Claim 35 is similar in a method format and recites a method of treating ophthalmic tissue of a human being.

The claims are different from the previously presented independent claims inasmuch as now the three different light sources of specific types are recited and are recited as being for the purposes of treating human ophthalmic tissue. As explained in the specification in the public version thereof (US 2007/0230520 A1), it is known that intense light, such as a light from a laser beam, can be used for photocoagulation/endo-photocoagulation purposes to perform surgical coagulation of tissue to destroy abnormal tissues or to form adhesive scars, especially in ophthalmology (Paragraph [0003]). Furthermore, as explained in the specification in (Paragraph [0026]), delivery systems may include available Zeiss-style examination slit lamps, endoprobes, and indirect ophthalmoscopes. Examples of specific delivery devices are then given in Paragraph [0026]. It is also disclosed that diode-pump solid states (“DPSS”) lasers are known and used in many applications in connection with treatment by illumination of body tissue in Paragraph [0003]. Thus, it can be seen that DPSS lasers are useful in order to perform surgical treatment of ophthalmic tissues, including photocoagulation. Among those DPSS lasers are lasers which generate green laser light, those which generate yellow laser light, and those which generate red laser light. See Paragraph [0028] as well as Paragraphs [0029] to [0032]. It is believed that the new claims, as now presented, are now patentable over the art of record.

Turning now to that prior art, the main reference applied to now canceled claims 1-26 is a published PCT (WO 98/35504) (hereinafter “Karakawa”). Karakawa is directed to essentially a laser driven video display system and includes three lasers of red, green and blue with some intermediary optics to combine the three beams. The laser video system of Karakawa uses traditional RGB (red, green and blue) color beams combine to produce a full color video. This is far different from the structure and methods now claimed in new claims 27-55. In new claims 27-55, specific types of lasers (red, green and yellow) are recited in each and every one of the claims. Furthermore, as discussed above, the laser system is recited as being used in the treatment of human ophthalmic tissue, clearly nothing disclosed by the Karakawa reference. The other two references applied in the Office Action to Neilson and to Barenboim add nothing to the Karakawa reference, insofar as new claims 27-55 are concerned, in that Neilson and

Barenboim were cited for the purposes of disclosing an attenuator/diffuser and a safety shutter, respectively. Clearly, the combination of either of Neilsen or Barenboim with Karakawa still does not in any way disclose or suggest the invention now claimed in new claims 27-53.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, applicant respectfully submits that pending claims 27-55 are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Applicants reserve the right to introduce, articulate, or otherwise present any such reasons for allowance as may be appropriate at a later time.

Applicants submit a Two-Month Extension of Time and authorize the Commissioner to charge the appropriate fee due to Deposit Account No. 50-0311, Reference No. 35678-609N01US.

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The Commissioner is also hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 35678-609N01US.

Respectfully submitted,



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